



US Army Corps  
of Engineers  
Memphis District

# Public Notice

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**REPLY TO ATTN:** Tom Skelton  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-3468  
Fax (901) 544-3266  
Email: James.T.Skelton@usace.army.mil

**PUBLIC NOTICE NO:**  
MVM-2008-228ts

**PUBLIC NOTICE DATE:**  
April 21, 2009

**EXPIRATION DATE:**  
May 21, 2009

**POSTMASTER PLEASE POST UNTIL:**

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## Public Notice Corps of Engineers

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

**APPLICANT:** Gary Makowsky  
Makowsky Ringel Greenberg, LLC  
1010 June Road, Suite 200  
Memphis, Tennessee 38119  
(901) 576-3450

**AGENT:** Timothy E. Brophy  
Brophy-Heineke & Associates, Inc.  
2978 Shelby Street  
Bartlett, Tennessee 38134-4538  
(901) 373-3289

**LOCATION:** The project is located north of Winchester Road and west of Schilling Boulevard in Collierville, Shelby County, Tennessee at approximate latitude 35.039932° and longitude -89.705192° on the Collierville 7.5 minute quadrangle map.

**PURPOSE:** The purpose of the project is to construct a 25-acre residential development.

**DESCRIPTION OF WORK:** The applicant proposes to construct a 25-acre residential development. Project construction will require the relocation of approximately 540 linear feet of an unnamed tributary to Nonconnah Creek. The tributary has a top bank width of approximately 65 feet and bottom width of approximately 25 feet. The channel is highly unstable and actively eroding with unvegetated and vertical banks in many places. The channel is mowed up to the top banks and vegetation consists of common upland pasture grasses including bermuda and broomsedge. The relocated channel will be 715 linear feet in length and have 1v:1.5h slopes and erosion protection as shown on the attached drawings. Approximately 754 linear feet of channel location has been previously authorized under nationwide permit 29 on May 28, 2008. The relocated channel is 910 linear feet in length.

**WATER QUALITY CERTIFICATION:** The applicant should contact the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC) at (615) 532-0713 or TDEC, 7th Floor L. & C. Annex Building, 401 Church Street, Nashville, Tennessee 37243-1534 and request water quality certification. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to issuance of a Corps of Engineers permit. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Office, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary in-house records search indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around the project area.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally-recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Tom Skelton at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3468. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

Comments should be received by May 21, 2009.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments





Existing Stream: 540 If .....

ARAP NRS 08.126

[illegible]

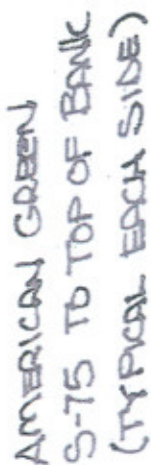
ETI DRAWING NO. C3.01

PRELIMINARY GRADING PLAN  
WINCHESTER ROAD  
COLLIERVILLE, TENNESSEE

Source	DATE	BOOK	$N = 16$
Parting to Corporate	04/01	SEAL	
State Admin. Conf.	04/01/00	Part	

ASST/CO

ENVIRONMENTAL W&A, LLC  
 (408) 451-1000 ext. 200  
 10000 N. 1st Street, Suite 200  
 San Jose, CA 95131



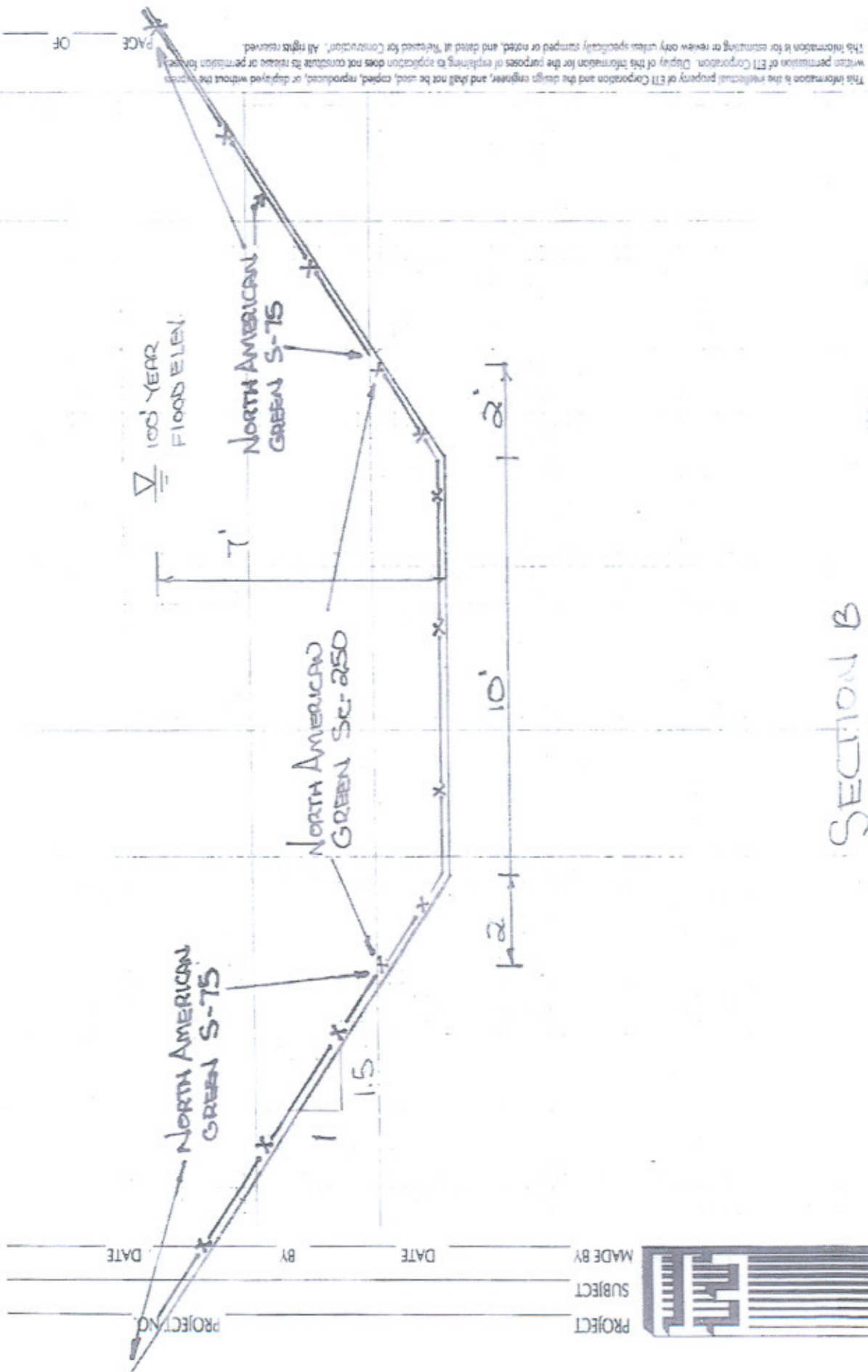
Cross - Section 1.

PROJECT \_\_\_\_\_  
 SUBJECT \_\_\_\_\_  
 MADE BY \_\_\_\_\_  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 DATE \_\_\_\_\_



CROSS SECTION 2.

# SECTION B



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PROJECT MRG DITCH SECTION PROJECT NO. 08015-20  
SUBJECT \_\_\_\_\_  
MADE BY VJT DATE 1-19-09 BY \_\_\_\_\_ DATE \_\_\_\_\_

